

The Satellite Home Viewer Extension and Reauthorization Act of 2004

FCC Consumer Facts

Background

Subscribers to satellite television service today have a number of options for receiving local broadcast channels. Subscribers can install a traditional TV broadcast antenna in conjunction with their satellite antenna. Since 1999, many satellite subscribers also have the option to subscribe to local broadcast stations over their satellite systems. This "local-into-local" service became possible under The Satellite Home Viewer Improvement Act of 1999 (SHVIA).

SHVIA permitted satellite companies to provide local broadcast signals to subscribers in the local TV station's market, as that market ("Designated Market Area" or "DMA") is defined by Nielsen Media Research. SHVIA also permitted satellite companies to provide "distant" network broadcast stations to eligible subscribers. "Distant" means television broadcast stations that are not in a subscriber's local market. For example, if you live in Billings, Montana, a station from Los Angeles, California would be "distant."

In 2004, Congress modified the SHVIA with the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA). SHVERA changes the way in which satellite companies can offer distant television stations and also allows satellite companies to offer certain "significantly viewed" distant signals. This, in effect, expands the programming satellite companies can offer their subscribers.

Reception of Local Broadcast Stations

SHVIA and SHVERA do not require satellite companies to offer local channels. Rather, satellite companies have the *option* of providing local-into-local service.

A company that has chosen to provide this local-into-local service is required to provide subscribers with all of the local broadcast TV stations assigned to that DMA that have asked to be carried. Contact your satellite company to determine which DMA applies to you and whether local-into-local service is available in your area.

A satellite company is not required to carry more than one local broadcast TV station within the DMA that is affiliated with a particular TV network in the same state. Local PBS stations and other noncommercial stations are usually included in the "local" stations offered in areas where the satellite carriers choose to offer local-into-local service. Check with your carrier to learn whether PBS programming is available in your area.

As always, if your satellite provider doesn't offer local stations as part of your subscription, you can install a TV antenna to receive local stations over-the-air.

Also, you may be eligible to receive distant signals if your household is predicted to be "unserved."

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Distant Signals:

Reception of Stations Outside the Local Market

Unserved Households

If the installation of an outdoor over-the-air rooftop antenna does not provide the local broadcast TV stations you desire, you may qualify as an “unserved household.” If you qualify as an “unserved household” you may be eligible to receive “distant signals,” that is, a station that originates outside of your local television market.

The term “unserved household” means a household or subscriber that:

- cannot receive, through the use of a conventional, stationary, outdoor rooftop antenna, an over-the-air network signal of Grade B intensity as defined by the Federal Communications Commission (FCC);
- has a satellite dish that is permanently attached to a recreational vehicle or a commercial truck; or
- is subject to a waiver granted by the television network station.

Your satellite carrier can tell you if you are predicted to be “unserved” using a computer model. If you are not predicted to be unserved, you may ask your satellite carrier to request a waiver on your behalf.

As with local signals, your satellite carrier determines whether to provide distant signals to eligible subscribers and which distant signals will be offered. Satellite companies also may charge an additional fee for these distant signals.

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The 2004 SHVERA statute changed distant signal eligibility in some circumstances.

- If you received distant signals as of December 8, 2004 because you lived in an unserved household, you may also receive local stations if the satellite carrier is currently offering them in your DMA or if the satellite provider introduces new local-into-local service in the future. However, if you did not receive or try to receive distant signals as of December 8, 2004, you are not eligible for distant service if local channels are offered. (You may be able to get a waiver of the “no-distant-where-local” requirements from the local television stations; check with your satellite company to see if this is possible.)
- Alternatively, you may be receiving distant analog signals because you are a “*grandfathered subscriber*.” Satellite subscribers who are predicted to receive an over-the-air network signal of Grade B intensity but do not receive a signal of Grade A intensity and who had distant service terminated after July 11, 1999 and before October 31, 1999 or who received distant network signals on October 31, 1999 are considered “*grandfathered subscribers*.” Some grandfathered subscribers may receive a notice from their satellite providers asking them to choose between distant and local signals in markets where local-into-local service is available. In markets where the satellite provider has not yet begun to provide local-into-local signals, grandfathered subscribers may continue to receive distant signals until their satellite carrier notifies them that it plans to begin local-into-local service in their market. Then grandfathered subscribers must choose either distant or local but cannot receive both.

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If you would have qualified as a grandfathered subscriber, but you were not receiving the distant signals as of October 1, 2004, you are no longer eligible to receive distant signals.

- You may be receiving distant analog signals because you received a waiver from one or more television stations that are predicted to serve your household. If you have such a waiver, you may continue to receive distant analog signals and you also may subscribe to local-into-local service.

If you do qualify as an “unserved household,” you are eligible to receive no more than two distant network-affiliated signals per day for each TV network.

If your household is predicted “served,” you may be able to get a waiver from the television stations that are predicted to serve your household over-the-air. Ask your satellite company to request a waiver from the television station on your behalf.

Reception of “Significantly-Viewed” Stations

In some instances, you may be eligible to receive some distant channels in addition to local-into-local service even if you do not qualify as an unserved household. Satellite subscribers who receive local-into-local service may, under certain circumstances, receive individual stations from markets outside their DMA that are considered “significantly-viewed” in their community. It is up to the satellite provider to decide whether or not to offer significantly-viewed stations, and a subscriber *must* be subscribing to local-into-local service from the satellite carrier to be eligible to receive these “significantly-viewed” stations. Check with your satellite carrier to see if you qualify and what stations are on the “significantly-viewed” list.

Local Digital Stations

You can install a television broadcast antenna to receive **digital** (including high definition (HD) digital signals) broadcast signals over-the-air from local broadcasters transmitting in digital format. A small indoor antenna may work, but you may need an outdoor antenna.

You may be able to subscribe to local-into-local service that includes digital (including high definition (HD)) signals from your satellite carrier. Ask your carrier when it plans to offer this service in your area.

Visit the Federal Communications Commission’s (FCC) DTV Web site (www.dtv.gov) to learn which stations are broadcasting digital signals in your area and what type of antenna you may need.

Distant Digital Signals

In general, if a satellite carrier offers local-into-local **digital** signals in your area, it is not allowed to offer you distant **digital** signals, unless you were receiving distant digital signals as of December 8, 2004. At this time, no satellite carriers are offering local-into-local digital signals.

Subscribers who are “unserved” with respect to analog service are eligible for distant digital signals. Satellite carriers are **not** required to offer distant digital signals.

Equipment Needed for Digital Signals

You may need a new satellite dish, an additional satellite dish and/or a new receiver box to receive digital signals. Contact your satellite carrier to determine what equipment you may need.

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What About Sports “Blackouts?”

TV Stations and others with exclusive rights to certain programs in specific areas may require satellite carriers to delete or blackout certain programs, including sporting events, so that the program or event cannot be viewed by subscribers in specific areas. These blackouts are only allowed if the broadcaster, syndicator, or sports team has exclusive rights to the program in a specific area.

For More Information

If you have questions about the availability of local-into-local service in your area, receiving distant TV signals, waiver requirements, testing, or other specific information about your satellite service, contact your satellite company.

You may also contact the FCC’s Consumer Call Center, toll free, at 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY.

For more detailed information about The Satellite Home Viewer Extension and Reauthorization Act of 2004, visit the following FCC Web site:
www.fcc.gov/mb/policy/shvera.doc.

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